HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.6473 of 2004

Dated: 16-08-2005

Between:

1. The Annanagar Weaker Sections Welfare Association (Regd.)
rep. by B.Rama Swamy, General Secretary, S/o.B.Lingaiah,
R/o.Flat No.97, Block-7, A.P.I.I.C. Colony,
Opp: Radhika Theatre, Kapra, Hyderabad and others.

…Petitioners

-

and

1. The District Collector, Ranga Reddy District,
Lakdi-ka-pool, Hyderabad and others.

…Respondents

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.6473 of 2004

ORDER:

1. This writ petition has been filed by the petitioners, who are 77 in number, with a prayer to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the District Collector, Ranga Reddy District; the Revenue Divisional Officer, Ranga Reddy District East Division; and the Mandal Revenue Officer, Ghatkesar Mandal (Respondents 1 to 3) to put the petitioners in possession of the land in Survey No.35 of Pocharam village of Ghatkesar Mandal while considering the claims of third parties, whose identity is questionable, as

arbitrary and illegal and violative of directive principles of State Policy.

2. One B.Rama Swamy, General Secretary of the first petitioner-Association has given his sworn affidavit in support of the writ petition. It is stated in the affidavit that the Hyderabad Urban Development Authority has approved the lay out for 1541 plots in Survey No.35 of Pocharam village of Ghatkesar Mandal. In the year 1984-85, 1958 members of the first petitioner-Association have deposited the share capital amount with the District Manager (Housing). Initially each of the petitioners 2 to 77 was allotted 100 square yards and subsequently the extent has been reduced to 60 square yards so as to accommodate more number of beneficiaries. The Mandal Revenue Officer, Ghatkesar vide his Memo. No.B/2279/88, dated 21.11.2000 has instructed the Village Administrative Officer, Pocharam village to hand over possession of 200 plots to the non-local beneficiaries who are members of the 1st petitioner-Association. The Village Administrative Officer, Pocharam, however, violated the instructions and delivered possession to the persons other than the actual patta holders taking advantage of the patta certificates not containing the photographs of the allottees duly attested by the issuing authority. Some of the members of the first petitioner-Association filed W.P.Nos.5901 of 2000, 3313 and 7711 of 2002 and batch. Those writ petitions came to be disposed of with a direction to the respondents to conduct an enquiry and verify the original patta certificates issued in their favour and after verification of the genuineness of the certificates, the Joint Collector, Ranga Reddy District, shall take necessary action, on the basis of the seniority of the patta certificates for putting in physical possession to an extent of 100 square yards each. The petitioners filed this writ petition questioning the inaction of the respondents in not delivering the plots allotted to them.

3. The respondents filed counter affidavit. It is stated in the counter affidavit that the guidelines with regard to the allotment of house sites to the eligible persons have been changed. As per the new guidelines, construction of G+3 multistoried flats for about 2.50 lakh eligible persons in Hyderabad and Rangareddy Districts have been taken up. I deem it appropriate to refer paras.8 and 9 of the counter affidavit and it is thus:

> " In reply to para 8, it is submitted that at present the prevailing guidelines issued by Government of Andhra Pradesh vide Memo. No.2700/HB.II(1)/2004-1, dated 17.11.2004

has been decided to ban assignment of individual house site plots to eligible people in Hyderabad and Ranga Reddy Districts. It was decided to go in for construction of G+3 multistoried flats for about 2.50 lakh eligible persons in Hyderabad and Rangareddy Districts and as per Govt. Memo.No.27221/ASSN.V(1)/2005-1, dated 10.06.2005, it was informed that as per the latest policy evolved by the Government, no more house sites are to be given to the landless poor for construction of houses in the vicinity of Hyderabad. All pending cases for house site pattas are to be considered under the Group Housing Programme, "Rajiv Gruhakalpa", as per the eligibility. Hence, handing over of physical possession of house site plots cannot be considered. The present petitioners cases can be considered under "Rajiv Gruhakalpa" as per their eligibility".

"In reply to paras.9 to 12, it is submitted that, in view of the above Govt. Memos. delivery of physical possession of the plots in the land bearing Sy.No.35 of Pocharam village to the present petitioner Society by eliminating the ineligible persons of the Pratibha Mahila Mandali and Nava Chaitanya Mahila Mandali cannot be considered. Irrespective of the Societies, the flats are being given as per the eligibility of the persons as per the above guidelines issued by the Government."

4. Heard learned Counsel for the petitioners and learned Government Pleader for Assignments appearing for the respondents.

5. Learned counsel appearing for the petitioners submits that petitioners 2 to 77 are members of the first petitioner-Association and all the members have been allotted plots admeasuring 100 square yards each and therefore, it is the obligation on the part of the respondents to put the petitioners in possession of the plots allotted to them.

6. Learned Government Pleader for Assignments appearing for the respondents submits that the old scheme itself has been scrapped and a new scheme known as "Rajiv Gruhakalpa" has been floated and therefore, the claims of the petitioners have to be considered under the said scheme.

7. I have gone through some of the copies of the patta certificates filed by the petitioners. Description given in the said patta certificates is vague and it is not capable of identifying it on ground. The patta certificates indicate that 100 square yards has been sanctioned in S.No.35 of Pocharam village. S.No.35 is a large extent and if 100 square yards is granted, it must indicate the plot number or at least the boundaries of the plot allotted to the each of the beneficiaries. Such is the situation, no direction can be given to the respondents to put the petitioners in possession of the plots allotted to them as per the D-Form patta certificates. Since

the scheme itself has been scrapped and new scheme has been floated, I deem it appropriate to direct the respondents to consider the claims of the petitioners for allotment of house flats in the new scheme called as “Rajiv Gruhakalpa”, after due verification of the eligibility criteria.

8. Accordingly, this writ petition is disposed of. No costs.

_____

B.SESHASAYANA REDDY, J.

Dated: 16th August, 2005.

Note:

Issue C.C. within a week.

B/O

cs